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U.S. DISTRICT COURT
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**UNITED STATES OF AMERICA,
ex rel. TIFFANY VOLPE, KEN
MAILLY AND BARRY INGLETT,**

Plaintiffs,

v.

**ALLIANCE HAND AND
PHYSICAL THERAPY, INC.,**

Defendant.

Hon. Dickinson R. Debevoise

Civil Action No. 08-5481 (DRB)

**NOTICE OF ELECTION TO
DECLINE INTERVENTION**

**[FILED IN CAMERA AND UNDER
SEAL]**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States of America ("United States") hereby notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, it respectfully refers the Court to 31 U.S.C. § 3730(b)(1), which allows the Relators to maintain the action

in the name of the United States; providing, however, that the "action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." Id.

Therefore, the United States requests that, should either the Relators or the defendant(s) propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests that Orders issued by the Court be sent to counsel for the United States. Additionally, the United States reserves its right to order any deposition transcripts and to intervene in this action, for good cause, at a later date.

Finally, the United States requests that only the Complaint, this Notice, and the Court's Order be unsealed and served upon the defendant. All other contents of the Court's file in this matter (including, but not limited to, any applications filed by the United States for an extension of the sixty-day investigative period or for any other reason, oppositions filed by the United States in response to the relator's motions, reply briefs, memoranda, and supporting documents) should

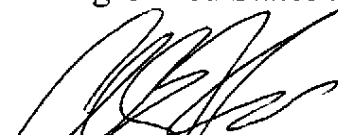
remain under seal and not be made public or served upon the defendants.

A proposed order accompanies this Notice.

Respectfully submitted,

RALPH J. MARRA, JR.
Acting United States Attorney

By:



ALEX KRIEGSMAN
Assistant U.S. Attorney

Dated: January 12, 2009